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Shan Women's Action Network

Press Release: Question of access to justice for women and girls facing violence in Burma

27 April 2016

SWAN condemns the corrupted judicial system and the judge who accepted the recent lawsuit filed by the powerful Chinese businessman, U Kyan Yee Kane, in Muse. This businessman brutally attacked an 18 year old Shan girl, who was previously sexually assaulted by his son-in-law. SWAN calls for a full, comprehensive investigation of the case. SWAN also urges the new government to invest in efforts to fully restore the rule of law in Burma to ensure justice for victims of crime.

On the 6th of November, 2014 (full moon day of Tazaunghmone), the 17-year old Shan girl, a cook for Xin Hua Company in Mandalay, was sexually assaulted by Maung Hla Sein, alias Kin Min Jee (age 24; ID No. 13/kahana (N) 016747) at Shwe Phyu Guesthouse in Shwe Bo. Maung Hla Sein was the person in charge of the Xin Hua Company branch at this time.

After the assault, Maung Hla Sein promised that he would marry the girl. The girl stayed with him for 3 months. When she got pregnant, he drugged her, causing her unborn child to be aborted without her consent. Afterward, he told her to go home and wait for him, promising that he would marry her within 2 months.

However he never showed up, and rang her saying he could not marry her because he is already married. He promised that he would pay her 40,000,000 Kyat (Approximately \$33,000 USD) as compensation. He failed to follow through on this promise also. Consequently, the girl filed a lawsuit against him.

While the case was still pending, the girl was contacted by Maung Hla Sein's father in-law, U Kyan Yee Kane, in early May of 2015 to come to his family house in Muse and discuss the settlement. When she arrived at the house at 7 pm on 7 May 2015, U Kyan Yee Kane and his entire family brutally beat the girl, stripping her of her clothing. She managed to escape with no clothes on.

With the help of local administer U Sai Ba Tun and Police 2nd Lt. Colonel Nyi Mann, she filed an incident report at the policy station in Muse. Sub Inspector of Police, U Aung Lin accepted the case. On 8 May 2015, the Muse judge, U Sithu Tun, accepted the case and U Kyan Yee Kane (ID. No. KKI 046109) and Daw Ah Shwin (ID. No. KKI 085245) were charged under Penal Codes: 427 and 323.

Since then, there have been more than 30 court appointments regarding the case. The Police officer responsible for the assault case, Sub Inspector of Police, U Aung Lin never appeared in court. There has been no examination of the attackers, U Kyan Yee Kane and Daw Ah Shwin.

Almost one year later, on 14 Mar 2016, the court sent summons signed by Judge U Sithu Tun to the young woman, informing her that she is being sued by U Kyun Yee Kane, and faces charges under Penal Codes: 447 & 427. It is appalling that the same judge, U Sithu Tun , is trying both cases.

SWAN believes that there are many young women who have faced similar abuses and ill treatment by authorities in Burma. We stand with this young woman and all women and girls who have been unfairly treated by the corrupted judiciary.

It is deeply concerning that foreign nationals are able to influence local judicial systems and bypass local laws. These actions are anarchic and pose a threat to Burma's national sovereignty and the rights of our people. SWAN urges the new government to use all its efforts to restore the rule of law and to protect national sovereignty.

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